

Supreme Court of Kentucky


ORDER

IN RE: ORDER APPROVING LOCAL RULES FOR THE MENTAL HEALTH COURT FOR FAYETTE COUNTY

Upon recommendation of District Judge Kim M. Wilkie, and being otherwise sufficiently advised,

The Local Rules for the Fayette County Mental Health Court are hereby approved. This order shall be effective as of the date of this Order, and shall remain in effect until further orders of this court.

Entered this the 7th day of July 2014.


CHIEF JUSTICE JOHN D. MINTON, JR.

LOCAL RULES FOR THE FAYETTE COUNTY
MENTAL HEALTH COURT

PART I: DEFINITIONS

"Administrative discharge" means the discharge of a participant from Mental Health Court due to the participant's inability to complete Mental Health Court through no fault of his/her own.

"Agreement of Participation" means the written agreement required to be signed by all potential Mental Health Court participants prior to the determination of eligibility for Mental Health Court. The agreement of participation will include the requirements of the program for each phase. The standard terms of the agreement may be altered, added to, or subtracted from by agreement of the Commonwealth, the Defendant and the Court.

"Approved local diversion procedures" means pretrial diversion procedures authorized by the Kentucky Supreme Court within each judicial circuit.

"Assessment" means a tool used by Mental Health Court staff to evaluate mental health, treatment history, drug use history, and drug dependency for purposes of determining whether a defendant will be considered for admission into Mental Health Court.

"COJ" means the Court of Justice.

"Eligible offenses" are offenses deemed to be caused by, arising out of, or a result of untreated or improperly treated mental health conditions, including Axis I and Axis II disorders, but excluding violent offenses and sexual offenses. Exceptions can be made on a case by case basis to include otherwise excluded offenders.

"Home visit" means the on-site appearance of Mental Health Court staff at the participants home for the purpose of verifying stable, crime free housing, compliance with curfews, and verification of living conditions appropriate for Mental Health Court participants.

"incentives" means tangible or intangible rewards earned by participants for positive steps taken toward attaining a crime free lifestyle, and may include, but are not limited to, promotion to the next phase, certificates and tokens, decreased supervision, increased privileges and responsibilities, praise from the Mental Health Court judge and team, extended curfews, and other individual incentives approved by the Mental Health Court team.

"Involuntary termination" means the termination by the Mental Health Court judge of a participant from Mental Health Court due to the participant's non-compliance with Mental Health Court's requirements, rules, or conditions.

"Justice system case processing" means the manner in which a case is processed within the Kentucky COJ, as reflected in Kycourts or the current COJ case management system.

"Mental Health Court" means the Fayette County Mental Health Court, which is an alternative sentencing court authorized by the Kentucky Supreme Court. Mental Health Court combines case management, judicial oversight, treatment, mental health assessments, and drug testing, and includes, but is not limited to, the implementation of curfews, sanctions, and incentives.

"Mental Health Court administrator" means the employee or volunteer appointed by the Fayette County Mental Health Court to support Mental Health Court, and administer and oversee its funding.

"Mental Health Court graduation" means the ceremony acknowledging the successful completion of Phases I, II, III, and IV of Mental Health Court.

"Mental Health Court judge" means a judge who, in addition to his/her regular judicial duties, conducts Mental Health Court sessions and staffing, monitors and reviews the participant's progress in Mental Health Court, imposes sanctions and incentives, and facilitates other components of Mental Health Court as identified and required by the Mental Health Court, consistent with these rules.

"Mental Health Court staff" means personnel hired and employed or volunteering to work with the Mental Health Court who perform the daily operations of Mental Health Court, including, but not limited to, providing case management for participants, attending Mental Health Court staffing and sessions, and coordinating mental health assessments and drug testing as needed.

"Mental Health Court team" means the non-adversarial group that promotes public safety while acting in the best interest of the public and the participant, and that determines the appropriate responses for a participant's compliance or non-compliance with Mental Health Court requirements. While the Mental Health Court team determines responses to a participant's compliance or non-compliance, the Mental Health Court judge has the ultimate decision making authority. The Mental Health Court team is comprised of the Mental Health Court judge(s), Mental Health Court staff, law enforcement, prosecutor(s), defense counsel, and treatment provider(s). Optional members with each Mental Health Court may be representatives from the Department of Probation and Parole, the circuit court clerk's office, the community, and other ancillary agencies.

"Mental Health Court support personnel" means interns and volunteers, including but not limited to, staff supplied by other agencies not employed by the Mental Health Court, who work with the Mental Health Court.

"Notice of Eligibility" means the document provided to the sentencing judge following the defendant's assessment wherein a determination of eligibility or ineligibility for admission to Mental Health Court is made.

"Phase" means a set of minimum and distinct criteria required of a Mental Health Court participant.

"Receiving judge" means the judge conducting a Mental Health Court docket.

"Referring judge" means the judge who refers a defendant to Mental Health Court.

"Sanctions" means the range of consequences imposed for the participant's failure to comply with the requirements or other conditions of Mental Health Court, which are appropriate, consistent and immediately applied. Sanctions may include, but are not limited to, admonishments from the judge, residential treatment, community service, phase demotion, increased group sessions, home incarceration, imprisonment in a detention facility, and termination from Mental Health Court.

"Sentencing judge" means the judge who sentences the defendant in the underlying criminal case and who may also be the referring judge.

"Session" means the scheduled appearance of the participant before the Mental Health Court judge, during which the progress of the participant is reviewed and discussed, and assignments, verifications, or other requested information is provided to the Mental Health Court judge by the participant.

"Staffing" means meetings held by the Mental Health Court team, including the Mental Health Court judge, prior to a Mental Health Court session, for the purpose of discussing the participant's progress.

"Treatment program" means a residential program for a participant which provides a setting for mental health or substance abuse treatment.

"Treatment provider" means an individual or agency licensed or certified to provide treatment and counseling to Mental Health Court participants as specified by the Mental Health Court.

"Voluntary termination" means the termination by the Mental Health Court judge of a participant from Mental Health Court, at the participants' request, but only after a determination has been made that the request was knowingly and voluntarily made.

PART II ADULT CRIMINAL MENTAL HEALTH COURT

Section 1. Key Components of a Mental Health Court

All mental health court programs shall include the following key components:

- 1.) Mental Health Courts shall integrate mental health treatment services with justice system case processing;
- 2.) Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights;
- 3.) Eligible participants are identified early and promptly placed in the Mental Health Court program;
- 4.) Mental Health Court provides a continuum of mental health treatment services;
- 5.) Compliance is monitored by frequent testing, compliance with treatment providers, and case management;
- 6.) A coordinated strategy governs Mental Health Court responses to participants' compliance;
- 7.) Ongoing judicial interaction with each Mental Health Court participant is essential;
- 8.) Monitoring and evaluation measure the achievement of Mental Health Court goals and gauge effectiveness;
- 9.) Continuing interdisciplinary education promotes effective Mental Health Court planning, implementation, and operations;
- 10.) Forging partnerships among Mental Health Court, public agencies, and community-based organizations generates local support and enhances Mental Health Court effectiveness;

Section 2: Mission Statement

The mission of the Mental Health Court is to protect public safety and reduce the recidivism rate of mentally ill offenders by increasing their wellness. Using an integrated approach involving court supervision, mental health treatment services, education, employment, and personal accountability, the Mental Health Court seeks positive and long lasting life changes.

Section 3. Funding

The Mental Health Court may be supported financially by grants or other government or private sources.

Section 4. Mental Health Court Referral Process

A defendant shall be referred to Mental Health Court through one of the following procedures:

- 1.) An order of diversion: referral to Mental Health Court may be made utilizing approved local diversion procedures but only after an order of diversion has

been entered. Diversion shall be the favored method of resolving charges through mental health court.

- 2.) An order of probation: a referral to Mental Health Court may be made at any time during probation, including a referral in lieu of revocation. A defendant who is referred to Mental Health Court by an order of probation shall have entered a guilty plea or been found guilty of an eligible offense. The sentencing judge, *sua sponte*, or upon request of the attorney for the defendant or another interested party, may order a defendant to be referred to Mental Health Court for a determination of the defendant's eligibility
- 3.) An order of contempt of court: any judge may refer a person charged with contempt of court to Mental Health Court in lieu of being incarcerated on the contempt charge, but only after an order of contempt has been entered.

Section 5. Eligibility and Assessment

- 1.) Upon receipt of a written order of referral from a judge, Mental Health Court staff shall determine whether a person is eligible for Mental Health Court using the following criteria. The person:
 - a. Shall have a verifiable mental illness that can be treated.
 - b. Shall be eligible for diversion under this program or probation; or shall have been found in contempt of court; and
 - c. Shall not be a "sex offender" as defined by KRS 17.550; and
 - d. Shall not be a "violent offender" as defined by KRS 439.3401, who is either charged with, or previously convicted of:
 - i. A capital offense;
 - ii. A Class A felony;
 - iii. A Class B felony involving the death of the victim or serious physical injury to a victim;
 - iv. An offense described in KRS 507.040 or 507.050 where the offense involves the killing of a peace officer or firefighter while the officer or firefighter was acting in the line of duty;
 - v. The commission or attempted commission of a felony sexual offense described in KRS Chapter 510;
 - vi. Use of a minor in a sexual performance as described in KRS 531.310;
 - vii. Promoting a sexual performance by a minor as described in KRS 531.320;
 - viii. Unlawful transaction with a minor in the first degree as described in KRS 530.064(1)(a);
 - ix. Human trafficking under KRS 529.100 involving commercial sexual activity where the victim is a minor;
 - x. Criminal abuse in the first degree as described in KRS 508.100;

- xi. Burglary in the first degree accompanied by the commission or attempted commission of an assault described in KRS 508.010, 508.020, 508.032, or 508.060
- 2.) The evaluator shall examine which services the person has the ability to utilize. The evaluator shall report the possible services back to the court.
- 3.) If a defendant is determined to be ineligible for Mental Health Court, Mental Health Court staff shall inform the referring judge in writing using the form prescribed by the Mental Health Court. Prior failure to complete Mental Health Court may be specifically considered as a factor in denying admission. The evaluator will include the reasons as to the candidate's ineligibility when reporting back to the referring court.
- 4.) A determination of competence to stand trial and enter a guilty plea shall be made by the referring court.
- 5.) If a defendant is determined to be eligible for the program, Mental Health Court staff shall thoroughly explain Mental Health Court and the Agreement of Participation to the defendant.
 - a. The Agreement of Participation shall include standardized requirements for each phase of the program. The requirements may be altered on a case by case basis to suit the needs of the individual defendant. Any alteration of standard phase criteria must be done by agreement of the parties.
- 6.) The defendant will sign the Agreement of Participation. If a defendant refuses to sign the Agreement of Participation, Mental Health Court staff shall notify the referring judge by utilizing the Notice of Eligibility form prescribed by the Mental Health Court. Refusal by the defendant to sign the Agreement of Participation shall render him or her ineligible to participate in Mental Health Court.
- 7.) After completing the assessment, Mental Health Court staff shall complete a Notice of Eligibility on a form prescribed by the Mental Health Court. The assessment, the Notice of Eligibility form, and any other pertinent information regarding the defendant shall be completed and submitted to the Mental Health Court team prior to the defendant's next scheduled court appearance.

Section 6. Admissibility into Mental Health Court

Upon receipt of the assessment, Notice of Eligibility, Agreement of Participation and other pertinent information regarding the defendant, the Mental Health Court judge and team shall determine whether the person may be admitted into Mental Health Court. To determine admissibility, the Mental Health Court judge and team shall evaluate the following:

- 1.) Current criminal charge(s)/conviction(s);
- 2.) Past criminal conviction(s) (if any);
- 3.) Results of the assessment;

- 4.) Information regarding the victims, if any;
- 5.) Defendant's willingness to participate; and;
- 6.) Other relevant information as identified by the Mental Health Court judge and team members.

Section 7. Transfer of Case to Mental Health Court

Upon a determination of admission to Mental Health Court, and upon the defendant's acceptance of the offer to enter Mental Health Court, the referring judge shall complete an order transferring the case to Mental Health Court.

Section 8. Mental Health Court Participant Requirements

- 1.) A Mental Health Court shall consist of four phases as follows:
 - a. Phase I: stabilization phase to last approximately 3 months
 - b. Phase II: treatment phase to last approximately 3 months, depending on progress
 - c. Phase III: Self-motivation phase to last approximately 3 months
 - d. Phase IV: wellness phase leading to graduation to last approximately 3 months
- 2.) Mental Health Court participants shall adhere to the following minimum requirements during each phase as follows unless an agreement to alter the standard phase criteria is reached by all parties:
 - a. For Phase I, the participant shall:
 - i. Appear at all court dates as ordered.
 - ii. Have no unexcused absences from scheduled appointments with service providers or group meetings.
 - iii. Demonstrate a willingness to comply with all treatment and service goals/plan, including medication recommendations
 - iv. Begin the process of establishing stable housing
 - v. Establish/maintain sobriety
 - vi. Submit to random drug testing as ordered
 - vii. Begin to show reduction in symptom burden
 - viii. Reduce/eliminate psychiatric hospitalizations, if applicable
 - ix. Reduce/eliminate further criminal charges/arrests
 - x. Comply with parole/probation, if applicable
 - b. For Phase II, the participant shall complete the following criteria, unless an agreement to alter the standard phase criteria is reached by all parties:
 - i. Appear at all court dates as ordered.
 - ii. Maintain stable housing and income
 - iii. Maintain sobriety
 - iv. Submit to random drug testing as ordered
 - v. Continue to work toward goals on treatment/service plans
 - vi. Maintain engagement with all service providers

- vii. Have no unexcused absences from scheduled appointments with service providers or group meetings.
- viii. Comply with prescribed medication
- ix. Comply with probation/parole if applicable
- x. Reduce/eliminate psychiatric hospitalizations
- xi. Reduce/eliminate criminal charges/arrests
- xii. Increase meaningful daily activities to the extent possible for the participant.
- xiii. Increase/improve social supports/social relationships
- c. For Phase III, the participant shall complete the following, unless an agreement to alter the standard phase criteria is reached by all parties:
 - i. Appear at all court dates as ordered.
 - ii. Maintain social supports and meaningful daily activities
 - iii. Maintain stable housing and income
 - iv. Maintain medication compliance
 - v. Maintain sobriety
 - vi. Submit to random drug testing as ordered
 - vii. Have no arrests/criminal charges
 - viii. Have no unexcused absences from scheduled appointments with service providers or group meetings.
 - ix. Eliminate psychiatric hospitalizations
 - x. Complete treatment/service plan goals
- d. For Phase IV, the participant shall:
 - i. Participate in aftercare
 - ii. Submit to random drug testing, as ordered
 - iii. Act as a mentor for other Mental Health Court participants
- 3.) The agreed phase criteria must be completed to the satisfaction of the Mental Health Court Judge prior to the graduation to the next phase. In no event shall a participant's time in each phase be less than thirty (30) days.
- 4.) Standard phase criteria may be altered on a case-by-case basis by agreement of all parties.
- 5.) Mental Health Court participants may be required to accept additional terms to successfully complete Mental Health Court. Such terms may include, but are not limited to, the following:
 - a. Employment, school, and/or home visits by Mental Health Court staff;
 - b. Curfews as established by Mental Health Court;
 - c. Medical and/or mental health referrals and subsequent treatment recommendations, including treatment programs.

Section 9. Incentives

Incentives may be provided during Mental Health Court sessions and may include, but are not limited to:

- 1.) Promotion to the next phase; certificates and tokens; decreased supervision;
- 2.) Increased privileges and responsibilities;
- 3.) Praise from the Mental Health Court judge and team;
- 4.) Extended curfews;
- 5.) And other incentives approved by the Mental Health Court team.

Section 10. Sanctions for Non-Compliance with Mental Health Court Requirements

Each participant shall comply with all requirements and other conditions established by Mental Health Court. Failure to comply may result in the Mental Health Court judge imposing sanctions upon the participant. Sanctions may include, but are not limited to:

- 1.) Admonishments from the Mental Health Court judge;
- 2.) Residential mental health treatment in compliance with KRS 202A;
- 3.) Community service;
- 4.) Phase demotion;
- 5.) Increased group treatment;
- 6.) Home incarceration;
- 7.) Imprisonment;
- 8.) And termination from Mental Health Court.

Graduated sanctions should be utilized based on the severity of the violation.

Section 11. Treatment by Privately Retained Providers

Privately retained psychologists, psychiatrists and Licensed Clinical Social Workers may provide any service required by these regulations at the cost of the defendant. Such services may only be utilized when all parties agree to allow the defendant to utilize privately retained services from a specific provider. Private services will only be accepted if they are offered in accordance with these regulations. Private services will only be accepted if the providers of those services report progress or violations in a timely manner to the Fayette County Mental Health Court.

Section 12. Involuntary Termination from Mental Health Court

The Mental Health Court staff or team may make a recommendation to the Mental Health Court judge that a participant be terminated from Mental Health Court due to the participant's non-compliance with Mental Health Court requirements or conditions. If the Mental Health Court judge agrees with the recommendation of termination, Mental Health Court staff shall file a written Affidavit of Violations on a form prescribed by the Mental Health Court requesting that the judge terminate the participant from Mental Health Court. The participant shall be informed of the termination in the Mental Health Court session unless the participant has absconded. A Notice of Termination shall be signed by the Mental Health Court judge on a form

prescribed by the Mental Health Court, and a copy of the Affidavit of Violations shall be attached. Upon signature of the Notice of Termination by the Mental Health Court judge, the case shall be referred back to the appropriate circuit or district for further proceedings. The Notice of Termination shall be filed in the official record by the circuit clerk.

In the case of a participant who has absconded for a period of at least ten working days, Mental Health Court staff may complete an Affidavit of Violations on a form prescribed by the Mental Health Court. A Notice of Termination may be signed by the Mental Health Court judge on a form prescribed by the Mental Health Court, and a copy of the Affidavit of Violations shall be attached. Upon signature of the Notice of Termination by the Mental Health Court judge, the case shall be referred back to the appropriate circuit or district for further proceedings. The Notice of Termination shall be filed in the official record by the circuit clerk.

Upon termination, the referring judge shall schedule the case for a hearing on a criminal motion docket for further proceedings. The Notice of Termination and Affidavit of Violations shall be filed in the official record by the circuit clerk, who shall serve notice of the Notice of Termination on the parties, their attorneys, and probation and parole.

Section 13. Voluntary Termination

Participants may petition the Mental Health Court judge for termination from Mental Health Court. If the Mental Health Court judge determines that the request is knowingly and voluntarily made, the Mental Health Court judge may terminate the participant from Mental Health Court on a form prescribed by the Mental Health Court and refer the case back to the appropriate circuit or district. The Notice of Termination shall be filed in the official record by the circuit court clerk, who shall serve notice of the Notice of Termination on the parties, their attorneys, and probation and parole. The receiving circuit or district shall schedule a hearing on the criminal motion docket for further proceedings.

Section 14. Administrative Discharge

If a Mental Health Court participant cannot complete Mental Health Court, through no fault of his/her own, he/she may be administratively discharged. If the Mental Health Court team determines that administrative discharge is appropriate, the Mental Health Court staff shall complete an Affidavit of Administrative Discharge to provide to the Mental Health Court judge. If the Mental Health Court judge agrees with the request, the Mental Health Court judge shall complete a Notice of Termination by administrative discharge on a form prescribed by the Mental Health Court and refer the case back the appropriate circuit or district. The Notice of Termination shall be filed in the official record by the circuit court clerk, who shall serve notice of the Notice

of Termination on the parties, their attorneys, and probation and parole. The receiving court shall schedule a hearing on the criminal motion docket for further proceedings.

Section 15. Successful Completion of Mental Health Court

- 1.) A participant will be determined to have successfully completed Mental Health Court after the participant has:
 - a. Completed all four Mental Health Court phases;
 - b. If feasible, paid all restitution owed. If the total restitution amount is too great to be paid in full while in Mental Health Court, then a reasonable amount as determined by the Mental Health Court team shall be paid prior to being determined to have successfully completed Mental Health Court. All parties must be agreement to amend any restitution;
 - c. Paid all costs, fines or fees.
- 2.) Upon successful completion of Mental Health Court, the sentencing judge or the Mental Health Court judge may:
 - a. Dismiss the underlying charge(s), if the participant was on diversion, but only after restitution, if any, has been paid as determined by the Mental Health Court; or
 - b. Modify probation to be conditionally discharged if the participant was on probation or found in contempt of court, but only after restitution, if any, has been paid as determined by the Mental Health Court.
- 3.) A Mental Health Court graduation should be held for an eligible participant within 90 days of successful completion of Phase IV of Mental Health Court as outlined above, but in no event shall a Mental Health Court graduation be held later than 210 days after successful completion of Phase IV.

Section 16. Mental Health Court Staffing

- 1.) The Mental Health Court judge and Mental Health Court staff shall attend staffing prior to a Mental Health Court session, and a monthly general team meeting. The prosecutor, defense attorney, and other Mental Health Court team members are encouraged to attend these staffings. Mental Health Court staffing shall be confidential and non-team members shall not attend absent extraordinary circumstances. If there is an extraordinary need for a non-team member to attend then, upon approval by the Mental Health Court judge, the non-team member shall be allowed to attend the staffing, but only after signing a confidentiality agreement.
- 2.) At a Mental Health Court staffing and at the monthly team meeting, the Mental Health Court team shall discuss the following:
 - a. Whether to admit potential participants into Mental Health Court;
 - b. Appropriate sanctions for violations by current participants;
 - c. Achievements and phase advancement of participants who will appear at the Mental Health Court session; and,
 - d. Other pertinent issues relating to Mental Health Court.

Section 17. Mental Health Court Sessions

Mental Health Court judges shall conduct at least two Mental Health Court sessions per month. If non-weekly Mental Health Court sessions are held, then in any week in which a Mental Health Court session is not held, Mental Health Court staff shall meet with participants on the same day and time of the week that Mental Health Court meets when it is in session.

Section 18. Confidentiality

Mental Health Court proceedings shall be confidential and all proceedings shall be closed unless otherwise authorized by the Mental Health Court judge.

Documents contained in a participant's Mental Health Court case file shall be confidential and shall not be released. All documents related to mental health court shall be sealed in the court record.

Due to the treatment component of Mental Health Court, team members shall sign a confidentiality agreement.

Mental Health Court team members shall comply with state and federal confidentiality laws regarding treatment information.

Section 19. Filing of Mental Health Court Documents

Upon utilization of any of the following documents, a copy of such documents shall be filed, under seal, by the Mental Health Court staff with the appropriate court clerk for entry into the court record of the underlying criminal offense:

- 1.) Order referring to Mental Health Court;
- 2.) Notice of Eligibility;
- 3.) Order transferring to Mental Health Court;
- 4.) Affidavit of Violations; and,
- 5.) Orders of Termination, Graduation, or Administrative Discharge.

Section 20. Collection of Fees

- 1.) A reimbursement fee may be imposed by Mental Health Court for treatment services, the cost of a laboratory confirmation of compliance with medication protocols, a positive drug test, or other required services. The standards and policies relating to the payment of a reimbursement fee shall be established by the Court.
- 2.) Reimbursement fees shall be in the form of certified checks, cashier's checks, or money orders. At no time shall Mental Health Court staff accept cash from a participant.

- 3.) No judge or Mental Health Court staff shall collect monies for use in Mental Health Court through forfeiture, plea agreements, sanctions, fees, fines, or other costs, other than those referred to herein.

Section 21. Student Interns

The Court may establish and maintain a Mental Health Court Student Intern Program. The Court shall establish policies relating to the program and shall have the authority to approve the acceptance of any student intern working in the Fayette County Mental Health Court.

Section 22. Volunteers

Volunteers may be permitted to participate in the Mental Health Court to the extent allowed by the Mental Health Court Judge. All volunteers shall be required to sign a confidentiality agreement. The Mental Health Court shall establish policies relating to the use of volunteers.

Section 23. Drug Testing

Drug testing may be administered to any Mental Health Court participant on a regular and random basis, or upon a reasonable suspicion of drug use.

The Court shall utilize the most cost efficient drug testing services for Mental Health Court, utilizing policies and specifications as authorized by the Mental Health Court.

All Mental Health Court participants shall be required to make themselves available for specimen collection as required by the case manager.

The Mental Health Court shall be authorized to establish further policies and procedures relating to drug testing.

Section 24. Treatment Provider

State personnel, state agencies, or other entities that treat persons suffering from mental illness on behalf of the state shall be utilized to the maximum extent practicable for treatment and other needed services.

If state personnel or a state agency is unable to provide said treatment or other services, or it is not feasible for it to do so, an agency with which a Memorandum of Agreement may be executed shall be utilized for treatment or other needed services.

If an agency with which a Memorandum of Agreement may be executed is unable to provide said treatment or other services, or it is not feasible to do so, a personal service contract may be utilized for obtaining treatment or other needed services to the extent practicable.

The Mental Health Court shall maintain a list of authorized state providers for said treatment or other services.

All contracts for treatment or other services shall be negotiated by and through the Mental Health Court utilizing the approved administrative policies and procedures established for same.

Participants may utilize a private provider of mental health treatment if the Commonwealth, referring court, mental health court and defense agree. Private care may only be utilized if it complies with the requirements of these regulations.

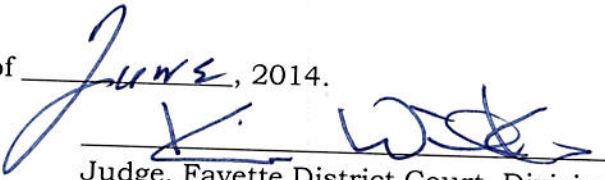
Section 25. Mental Health Court Staff

- 1.) Individuals employed by the Fayette County Mental Health Court are not employees of the Administrative Office of the Courts, the Kentucky Court of Justice, or the Commonwealth of Kentucky.
- 2.) All Mental Health Court staff work for the benefit of the Mental Health Court and shall report to the Mental Health Court Judge or his or her designee. Unpaid Mental Health Court interns and volunteers shall be coordinated with the Mental Health Court Judge, or his or her designee, and shall be subject to policies and procedures relating to Mental Health Court operations as established by the Mental Health Court.
- 3.) All Mental Health Court staff and unpaid Mental Health Court interns and volunteers shall sign a confidentiality agreement and shall comply with state and federal confidentiality laws regarding treatment information.
- 4.) Any participation in local court proceedings or activities outside of Mental Health Court sessions by Mental Health Court staff, in their capacity as Mental Health Court staff, shall first be authorized by the Mental Health Court.

Section 26. Administrative Orders of the Court

The Fayette County Mental Health Court will issue standard operating orders that are consistent with these regulations.

Adopted this the 20th day of June, 2014.


Judge, Fayette District Court, Division III

Certificate

I, Vince Riggs, Clerk of the Fayette District Court, do hereby certify that the foregoing Local Rules of the Fayette County Mental Health Court were duly signed by the Hon. Kim Wilkie, Judge of Div. III of the Fayette District Court and Presiding Judge of the Fayette County Mental Health Court and that same is hereby certified to the Chief Justice of the Supreme Court of Kentucky.

Clerk, Fayette District Court

Vince Riggs

FAYETTE _____ COURT
DIVISION _____
CASE NO. _____

COMONWEALTH OF KENTUCKY

PLAINTIFF

VS.

ORDER REFERRING TO MENTAL HEALTH COURT

DEFENDANT

* * * * *

IT IS HEREBY ORDERED that the above named Defendant is referred to the Mental Health Court for eligibility assessment pending further actions of this Court. The Defendant shall not be present during staffing.

So Ordered this day _____ of _____, 20__

JUDGE, FAYETTE _____ COURT

Attested copies this the _____ day of _____, 20__ sent to:

Lexington Public Defender's Office

_____ Mental Health Court

_____ Bluegrass.org

Fayette County Attorney

_____ Probation & Parole

_____ PreTrial

FAYETTE _____ COURT
CASE NO: _____

COMMONWEALTH OF KENTUCKY

PLAINTIFF

VS. NOTICE OF ELIGIBILITY FOR MENTAL HEALTH COURT PROGRAM

DEFENDANT

* * * * *

The Defendant in the above-styled ease having been referred to the Fayette County Mental Health Court Program and having been staffed by the Mental Health Court Team was deemed:

_____ Eligible

_____ Not Eligible

Reason Defendant is not Eligible _____

Dated this the _____ day of _____, 20__.

Signed,

Attested Copies to:

FAYETTE _____ COURT, DIVISION _____

Defense Attorney

County Attorney

Bluegrass.org

Probation

Pretrial

**FAYETTE DISTRICT COURT
MENTAL HEALTH COURT
CASE NO: _____**

COMMONWEALTH OF KENTUCKY

PLAINTIFF

VS.

AGREEMENT OF PARTICIPATION

DEFENDANT

* * * * *

I, _____, agree to the following terms and conditions as part of my participation in in Fayette Mental Health Court.

- 1.) I agree to participate in phase I, II, III and IV as they are written and attached hereto.
- 2.) I agree to take medication as prescribed.
- 3.) I agree to utilize the following services:
 - a. _____
 - b. _____
 - c. _____
 - d. _____
- 4.) I agree to the following special conditions:
 - a. _____
 - b. _____
 - c. _____
 - d. _____
- 5.) I agree to refrain from taking medications or narcotics that are not proscribed to me.
- 6.) I agree to refrain from self-harm or from harming others.
- 7.) I agree to work with Fayette Mental Health Court staff or their designees in order to aid in my recovery.

By the Defendant following the terms of mental health court and the specific conditions set forth in this agreement his charges will be _____.

SIGNED

Mental Health Court Coordinator

Defendant

Judge

Defense Counsel

Commonwealth

FAYETTE _____ COURT
DIVISION _____
CASE NO: _____

COMMONWEALTH OF KENTUCKY

PLAINTIFF

VS. ORDER TRANSFERING CASE TO FAYETTE MENTAL HEALTH COURT

DEFENDANT

* * * * *

The Court being advised that the Defendant has been accepted into the Mental Health Court program, therefore, IT IS HEREBY ORDERED that the above named Defendant's [diversion, probation, contempt] is transferred, by the terms of the signed agreement, into the Mental Health Court Program and the Defendant shall report to Fayette District Court, 150 North Limestone, Lexington, KY 40507 on the _____ day of _____, 20____, at the hour of _____,

So Ordered this the _____ day of _____, 20____.

JUDGE _____
FAYETTE _____ COURT
DIVISION _____

Attested copies sent this this the _____ day of _____, 20____.

BY: _____

FAYETTE COUNTY DISTRICT COURT
MENTAL HEALTH COURT
CASE NO: _____

COMMONWEALTH OF KENTUCKY

PLAINTIFF

VS. AFFIDAVIT OF VIOLATIONS OF MENTAL HEALTH COURT PROGRAM

DEFENDANT

* * * * *

Comes the affiant, _____ (mental health court coordinator), and after first being duly sworn, states that he is the Coordinator of the Fayette County Mental Health Court for the Commonwealth of Kentucky.

The affiant states that the defendant had the following violation(s):

_____ Did not attend hearing

_____ Did not attend treatment meetings

_____ Did not comply with service plan

_____ Failed drug screen on the dates of _____, testing positive for _____

_____ Committed/Charged with _____ (offense) on _____ (date)

_____ Other violation of agreed treatment plan. (please explain)

Signed _____. (Mental Health Court Coordinator)

Fayette County Mental Health Court

Subscribed and Sworn to before me by _____ on this the _____ day of _____, 20_____.

Attested Copies to:

FAYETTE _____ COURT, DIVISION _____
Defense Attorney County Attorney
Bluegrass.org Probation
Pretrial

**FAYETTE COUNTY DISTRICT COURT
MENTAL HEALTH COURT
CASE NO: _____**

COMMONWEALTH OF KENTUCKY

PLAINTIFF

VS. ORDER TERMINATING FROM MENTAL HEALTH COURT PROGRAM

PROGRAM DEFENDANT

* * * * *

The above-named Defendant was referred by Court to the Fayette County Mental Health Court as a condition of [diversion, probation, contempt], pending successful completion. The Fayette County Mental Health Court, for the reasons set forth below, hereby refers Defendant back to original court of jurisdiction for further determination:

_____The court hereby finds that above-named Defendant has failed to comply with the terms and conditions of the court as documented in an Affidavit of Violations and was terminated from same on _____(date);

_____The above-named Defendant resides in jail and/or held on bond and is formally referred back to court of original jurisdiction for further determination.

In View of the foregoing, the Court **HEREBY ORDERS THE FOLLOWING:**

The Defendant is removed from the Fayette County Mental Health Court and formally referred back to the court of original jurisdiction. The Mental Health Court directs that the case be re-docketed on the next available docket of the court of original jurisdiction for further review and adjudication.

Fayette County Mental Health Court Judge

Attested Copies to:

FAYETTE _____ COURT, DIVISION _____
Defense Attorney
County Attorney
Bluegrass.org
Probation
Pretrial

**FAYETTE COUNTY DISTRICT COURT
MENTAL HEALTH COURT
CASE NO: _____**

COMMONWEALTH OF KENTUCKY

PLAINTIFF

VS.

NOTICE OF SUCCESSFUL COMPLETION

PROGRAM DEFENDANT

* * * * *

The defendant in the above-styled case has successfully completed all phases and components of the Fayette County Mental Health Court Program.

Judge, Fayette County Mental Health Court

Dated this the ____ day of _____, 20____.

Attested copies to:

FAYETTE _____ COURT, DIVISION _____

Defense Attorney

County Attorney

Bluegrass.org

Probation

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